

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

SQUARE, INC. and )  
JAMES MCKELVEY, JR., )  
                          )  
**Plaintiffs,**        )  
                          )  
                          )  
vs.                    )  
                          )  
**REM HOLDINGS 3, LLC,** )  
                          )  
                          )  
**Defendant.**        )

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ROBERT E. MORLEY, JR. and        )  
REM HOLDINGS 3, LLC,                )  
                                  )  
**Plaintiffs,**                    )  
                                  )  
                                  )  
vs.                            )  
                                  )  
**SQUARE INC., JACK DORSEY,**    )  
and JAMES MCKELVEY, JR.,        )  
                                  )  
**Defendants.**                    )

**NON-PARTY DAVID CHERVITZ' RESPONSE IN OPPOSITION TO DEFENDANTS'**  
**MOTION TO COMPEL**

For his response in opposition to Defendants' Motion to Compel [Doc. 192], Non-Party, David Chervitz ("Chervitz") hereby adopts and joins in Plaintiffs' Memorandum in Response to Defendants' Omnibus Motion to Compel and Cross-Motion for Protective Order. For the reasons stated therein, Chervitz urges the Court to deny Defendants' Motion to Compel as it relates to Chervitz.

Chervitz further urges the Court to enter an order quashing the Subpoena Duces Tecum served on Chervitz (the “Subpoena”) pursuant to Fed. R. Civ. Proc. 45(c)(3)(A)(iii) and for failing to adhere to Fed. R. Civ. Proc. 45(c)(1). A copy of the Subpoena is attached hereto as Exhibit 1. A copy of Chervitz’ timely written objections to the Subpoena is attached hereto as Exhibit 2.

DANNA MCKITRICK, P.C.

BY: /s/ Richard F. Huck, III  
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**ATTORNEYS FOR WITNESS**  
**DAVID CHERVITZ**

**CERTIFICATE OF SERVICE**

The undersigned certifies that on this 18th day of September, 2015, that a true copy of the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court’s electronic filing system to all parties of record.

/s/ Richard F. Huck, III